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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,891	05/26/2000	Hiroto Nagahisa	2611-0128P	9944

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EXAMINER

AN, SHAWN S

ART UNIT	PAPER NUMBER
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2613

13

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/579,891

Applicant(s)

NAGAHISA ET AL.

Examiner

Shawn S An

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Substance of the Interview***

1. Applicant's Statement of the Substance of the Interview has been noted, specifically:
  - A) the Examiner concedes that Fig. 32 does not seem to constitute prior art;
  - B) the Examiner will conduct an updated search including a full translation of Japanese Patent (10240774); and
  - C) Applicants' representative elected to withdraw claims 17-19 from consideration as being directed to a non-elected invention to maintain the broadest scope of the remaining claims.

### ***Response to Reconsideration***

2. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection, but still relying on the Applicant's admitted conventional prior art.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 7, 9-10, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's admitted conventional prior art (substantially the same as JP 10240774).

**Regarding claims 1 and 9**, Applicant's admitted conventional prior art (JP 10240774) discloses an image collection apparatus, comprising:

an image acquisition unit (Fig. 28, 107) for acquiring an image;  
an event detection unit (108) for detecting an event based on the image;  
an event data creation unit (Fig. 29) for creating event data indicative of at least a generation time (TIME) and contents (TYPE, CODING) of the event detected;  
a macro event definition unit (Fig. 31) for defining a macro event including a related event group (112-117) and having a time width (TIME) by using the generation time and contents of the event;  
a macro event data creation unit (Fig. 31) for creating macro event data by structuring a plurality of event data (121-125) generated by the event data creation unit based on definition contents of the macro event;  
an image recording unit (104) for recording an image of a macro event corresponding to the macro event data;  
a retrieval unit (108; Applicant; page 5, lines 19-21) for retrieving a desirable macro event based on the macro event data; and  
a display unit (106) for acquiring an image of the macro event retrieved from the image recording unit and displaying the image.

**Regarding claims 2 and 10**, JP 10240774 reference discloses a temporary storage unit for temporarily storing the images acquired by the image acquisition unit, wherein the recording unit extracts and records an image related to an event detected by the event detection unit from the image temporarily stored by the temporary storage unit (13; abstract).

**Regarding claims 7 and 15**, Applicant's admitted conventional prior art discloses a plurality of image acquisition devices (101), wherein the image recording unit (104) selects one of image acquisition units corresponding to the macro event from a plurality of images, as the image of the macro event (Fig. 31).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-6, 8, 11-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted conventional prior art (substantially the same as JP 10240774).

**Regarding claims 3 and 11**, Applicant's admitted conventional prior art does not seem to particularly disclose the macro event being further defined as including repetition of a predetermined event in a series of events.

However, the Examiner takes official notice that it is well known in a surveillance art for an event detecting device to detect a repetition of a predetermined event in a series of events (note: Klein et al (6,064,303)).

Therefore, it would have been obvious to a person of ordinary skill in the art employing an Applicant's admitted conventional prior art to incorporate the macro event definition unit further defining repetition of a predetermined event in a series of events for a well known reason of keeping track of events that are occurring at least more than once.

**Regarding claims 4-5 and 12-13**, Applicant's admitted conventional prior art does not seem to particularly disclose summarizing the image of the macro event.

However, the Examiner takes official notice that it is well known in a surveillance art for an image summary unit to summarize an image of an event by comparing non-selected static image with a selected static image on a time basis (note: Klein et al (6,064,303)).

Therefore, it would have been obvious to a person of ordinary skill in the art employing an Applicant's admitted conventional prior art to incorporate image summary unit for summarizing an image of an event by comparing the selected macro event image with the non-selected macro event image, whereby the recording unit records the

macro events summarized by the image summary unit so that an user/operator has the means to review the summary of the macro event images.

**Regarding claims 6, 8, 14, and 16**, Applicant's admitted conventional prior art does not seem to particularly disclose measuring or predetermined analyzing processing based on a data related to the image.

However, the Examiner takes official notice that it is well known in an image collection art for a measuring unit (note: prior arts (4,847,772) or (4,257,063)) such to measure a data related to the image and an analysis unit (note: Lemelson et al (4,653,109)) for predetermined analyzing of a data related to the image.

Therefore, it would have been obvious to a person of ordinary skill in the art employing an Applicant's admitted conventional prior art to incorporate the measuring unit for measuring a data related to the image, so that the measured data can be stored at a measured data storage unit and the analysis unit can analyze a data related to the image of the macro event, whereby the display unit obviously displays the measured and analyzed image data related to the macro event for further reviewing.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.


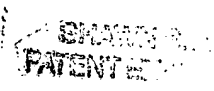
A) Matsukawa (2003/0044168 A1), Event image recording system and event image recording method.

B) Mitsubishi Electric Corp (JP2000339923A), Video camera installed in banks, stores macro event data.

8. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn S An whose telephone number is 703-305-0099. The examiner can normally be reached on Flex hours (10).

SSA

Primary Patent Examiner

3/7/04